

JOSE MARRERO)	
Petitioner,)	
)	
v.)	C.A. NO. 00-2155 PITTSBURGH
)	Honorable Donetta L. Ambrose
)	Chief United States District Judge
MARTIN HORN, et al.)	Electronically Filed
Respondents.)	

COMMONWEALTH'S MOTION FOR ENLARGEMENT OF TIME
TO FILE ANSWER TO WRIT OF HABEAS CORPUS

AND NOW comes the Commonwealth of Pennsylvania, by and through its representative Elizabeth A. Vanstrom, Assistant District Attorney, Erie County, Pennsylvania, and files the within Motion for Enlargement of Time to File Answer to Writ of Habeas Corpus and in support thereof avers as follows:

1. The Commonwealth's Answer to Writ of Habeas Corpus was originally due on January 7, 2008.
2. The undersigned counsel was recently assigned this Capital Habeas Corpus petition following the previously assigned attorneys departure for maternity leave.
3. In addition, the undersigned counsel has trial work in preparation for the January trial term as well as other appellate work.
4. Counsel for Petitioner, Michael Wiseman, is aware of this Motion and the Commonwealth's request and has authorized the undersigned to inform the Court he has no objection to this matter.
5. Based on the foregoing and in light of the serious nature and complex issues involved in this Capital Habeas Corpus petition, the undersigned counsel respectfully requests additional time to prepare a responsive answer.

WHEREFORE, counsel for the Commonwealth will need additional time to file its Answer to Writ of Habeas Corpus and respectfully requests forty-five (45) days from the current due date of January 7, 2008.

Respectfully submitted,

s/ Elizabeth A. Vanstrom
Elizabeth A. Vanstrom
Assistant District Attorney
Erie County Courthouse
140 West Sixth Street, 3rd Floor
Erie, PA 16501
Phone (814) 451-6349
Fax (814) 451-6419
ehirz@eriecountygov.org
PA I.D. #83516

Dated: January 3, 2008

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

JOSE MARRERO)	
Petitioner,)	
)	
v.)	C.A. NO. 00-2155 ERIE
)	Honorable Donetta L. Ambrose
)	Chief USDJ
MARTIN HORN, et al.)	Electronically Filed
Respondents.)	

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the Commonwealth's Motion for Enlargement of Time to File Answer to Writ of Habeas Corpus in the above-captioned matter in the manner indicated below, which service satisfies the requirements of the Federal Rules of Civil Procedure.

SERVICE BY FIRST CLASS MAIL

Michael Wiseman
Shawn Nolan
James McHugh
Capital Habeas Corpus Unit
Federal Community Defender Office for the
Eastern District of Pennsylvania
Suite 545 West – The Curtis Center
Philadelphia, PA 19106

By: s/ Elizabeth A. Hirz
Elizabeth A. Hirz
Assistant District Attorney
Erie County Courthouse
140 West Sixth Street, 3rd Floor
Erie, PA 16501
phone # 814-451-6349
fax # 814-451-6419
ehirz@eriecountygov.org

Dated: January 3, 2008